

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

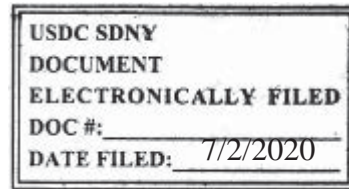
RICHARD HOLT,

Plaintiff,

-against-

MEGAN McAFFERTY, *Chief Court Clerk for
the Superior Court, Stamford Connecticut*; MR.
COOPER GROUP INC., *formerly known as
WHIM Corp*,

Defendants.



19-CV-9941 (AJN)

BAR ORDER UNDER
28 U.S.C. § 1651

ALISON J. NATHAN, United States District Judge:

Plaintiff paid the filing fee to bring this *pro se* complaint. It arises out of a loan on property located in Norwalk, Connecticut, and related foreclosure proceedings in Connecticut state court.

On December 5, 2019, the Court dismissed the complaint on immunity grounds, and for failure to state a claim on which relief may be granted. Dkt. No. 6. As noted in that order, Plaintiff has a history of engaging in vexatious litigation regarding these same events, even in the face of warnings that a filing injunction could be imposed if he persisted. For that reason, the Court directed Plaintiff to show cause within thirty days why he should not be barred from filing future actions in this Court about the loan on the Connecticut property and any foreclosure proceedings, regardless of whether Plaintiff pays the filing fee or seeks IFP status, without prior permission. The Court provided Plaintiff with a declaration form.

On January 7, 2020, Plaintiff submitted a letter to the Court requesting a “60-day extension until March 22, 2020 to file the Plaintiff’s amended appeal.” Dkt. No. 7. On January 16, 2020, the Court issued the following order by memorandum endorsement:

Plaintiff shall file his declaration no later than March 2, 2020. Plaintiff is reminded that the Order To Show Cause directs him to ‘show cause why he

should not be barred from filing any further actions in this District — arising out of the loan on the Connecticut property, or any related foreclosure proceedings — without first obtaining permission from this Court to file his complaint.’(ECF No. 6, at 7.) It does not authorize Plaintiff to file an amended pleading. (*See id.* at 5 (denying leave to amend).)

Dkt. No. 8.

Plaintiff did not submit a declaration form or any other response to the order to show cause by March 2, 2020, and the Court then *sua sponte* extended the deadline to submit a declaration to April 30, 2020. Dkt. No. 9. As of the date of this order, Plaintiff has not submitted a declaration form or any other response to the order to show cause, nor has he otherwise communicated with the Court.

CONCLUSION

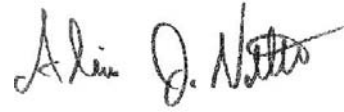
For the reasons discussed in the December 5, 2019 order, the Court bars Plaintiff from filing future civil actions in this Court about the loan on the Connecticut property and any related foreclosure proceedings without first obtaining from the Court leave to file, regardless of whether he pays the filing fee or seeks IFP status. *See* 28 U.S.C. § 1651. Plaintiff must attach a copy of his proposed complaint and a copy of this order to any motion seeking leave to file. The motion must be filed with the Pro Se Intake Unit of this Court. If Plaintiff violates this order and files an action without filing a motion for leave to file, the Court will dismiss the action for failure to comply with this order. Plaintiff is further warned that the continued submission of frivolous documents may result in the imposition of additional sanctions, including monetary penalties.

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. The Clerk of Court is further directed to enter judgment, and to close this action.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: July 2, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", is written over a horizontal line.

ALISON J. NATHAN
United States District Judge